

House Bill 1473

By: Representatives Ralston of the 7th, Wilkinson of the 52nd, Jones of the 46th, Keen of the 179th, Lindsey of the 54th, and others

A BILL TO BE ENTITLED

AN ACT

1 To provide for a short title; to amend Chapter 5 of Title 21 of the Official Code of Georgia
2 Annotated, relating to ethics in government, so as to substantially revise the "Ethics in
3 Government Act"; to change and provide for definitions; to change the name of the State
4 Ethics Commission to the Georgia Government Transparency and Campaign Finance
5 Commission; to clarify provisions relating to the Georgia Government Transparency and
6 Campaign Finance Commission; to change provisions relating to limitations of actions; to
7 change provisions relating to campaign disclosure reports; to require county and municipal
8 campaign disclosure reports be filed with the Georgia Government Transparency and
9 Campaign Finance Commission; to require disclosure of investments held in campaign
10 funds; to require reporting of campaign debt on campaign disclosure reports; to provide for
11 increased fines for late filings; to require electronic filing of all reports to the Georgia
12 Government Transparency and Campaign Finance Commission; to change provisions
13 relating to the handling of complaints; to change provisions relating to financial disclosure
14 statements; to remove provisions relating to filings by mail; to change provisions relating to
15 the definition of expenditures, lobbyists, and state agencies; to change certain provisions
16 relating to lobbyist registration and to change fees; to change provisions relating to
17 information on lobbyists' disclosure reports and frequency of filing such reports; to change
18 provisions relating to the prohibition of contingent fees for lobbying; to prohibit certain
19 contact between lobbyists and members of the General Assembly; to correct
20 cross-references; to amend Article 1 of Chapter 10 of Title 16 of the Official Code of
21 Georgia Annotated, relating to abuse of governmental office, so as to increase the
22 punishment for influencing legislation or official action by certain public officials; to amend
23 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
24 so as to provide for a method of addressing conflicts of interest, abuse of power, and
25 improper use of state employees by General Assembly members; to provide for definitions;
26 to provide for procedure; to abolish the Joint Legislative Ethics Committee; to provide that
27 yearly disclosure statements concerning business transactions with the state be filed with the
28 Georgia Government Transparency and Campaign Finance Commission rather than the

29 Secretary of State; to correct cross-references; to provide for related matters; to provide for
30 an effective date and applicability; to repeal conflicting laws; and for other purposes.

31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

32 **SECTION 1.**

33 This Act shall be known and may be cited as the "Georgia Government Transparency and
34 Campaign Finance Act of 2010."

35 **SECTION 2.**

36 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in
37 government, is amended by revising Code Section 21-5-3, relating to definitions, as follows:
38 "21-5-3.

39 As used in this chapter, the term:

40 (1) 'Business entity' means any corporation, sole proprietorship, partnership, limited
41 partnership, limited liability company, limited liability partnership, professional
42 corporation, enterprise, franchise, association, trust, joint venture, or other entity, whether
43 for profit or nonprofit.

44 (2) 'Campaign committee' means the candidate, person, or committee which accepts
45 contributions or makes expenditures designed to bring about the nomination or election
46 of an individual to any elected office. The term 'campaign committee' also means any
47 person or committee which accepts contributions or makes expenditures designed to
48 bring about the recall of a public officer holding elective office or to oppose the recall of
49 a public officer holding elective office or any person or any committee which accepts
50 contributions or makes expenditures designed to bring about the approval or rejection by
51 the voters of any proposed constitutional amendment, a state-wide referendum, or a
52 proposed question which is to appear on the ballot in this state or in a county or a
53 municipal election in this state.

54 (3) 'Campaign contribution disclosure report' means a report filed with the ~~appropriate~~
55 ~~filing officer~~ commission by a candidate or the chairperson or treasurer of a campaign
56 committee setting forth all expenditures of ~~\$101.00~~ or more than \$100.00 and all
57 contributions of ~~\$101.00~~ or more than \$100.00, including contributions and expenditures
58 of lesser amounts when the aggregate amount thereof by or to a person is ~~\$101.00~~ or
59 more than \$100.00 for the calendar year in which the report is filed. Such report shall
60 also include the total amount of all individual contributions received or expenditures
61 made of less than ~~\$101.00~~ \$100.00 each. The first report required in the calendar year
62 of the election shall contain all such expenditures made and all such contributions

received by the candidate or the committee in prior years in support of the campaign in question.

(4) 'Candidate' means an individual who seeks nomination for election or election to any public office, whether or not such an individual is elected; and a person shall be deemed to seek nomination or election if such person has taken necessary action under the laws of this state to qualify such person for nomination for election or election or has received any contributions or made any expenditures in pursuit of such nomination or election or has given such person's consent for such person's campaign committee to receive contributions or make expenditures with a view to bringing about such person's nomination for election or election to such office.

(5) 'Commission' means the ~~State Ethics~~ Georgia Government Transparency and Campaign Finance Commission created under Code Section 21-5-4.

(6) 'Connected organization' means any organization, including any business entity, labor organization, membership organization, or cooperative, which is not a political action committee, as defined in this Code section, but which, directly or indirectly, establishes or administers a political action committee or which provides more than 40 percent of the funds of the political action committee for a calendar year.

(7) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value conveyed or transferred for the purpose of influencing the nomination for election or election of any person for office, bringing about the recall of a public officer holding elective office or opposing the recall of a public officer holding elective office, or the influencing of voter approval or rejection of a proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in this state or in a county or a municipal election in this state. The term specifically shall not include the value of personal services performed by persons who serve without compensation from any source and on a voluntary basis. The term 'contribution' shall include other forms of payment made to candidates for office or who hold office when such fees and compensation made can be reasonably construed as a campaign contribution designed to encourage or influence a candidate or public officer holding elective office. The term 'contribution' shall also encompass transactions wherein a qualifying fee required of the candidate is furnished or paid by anyone other than the candidate.

(8) 'Direct ownership interest' means the holding or possession of good legal or rightful title of property or the holding or enjoyment of real or beneficial use of the property by any person and includes any interest owned or held by a spouse of such person if such interest is held jointly or as tenants in common between the person and spouse.

(9) 'Election' means a primary election; run-off election, either primary or general; special election; or general election. The term 'election' also means a recall election.

(10) 'Election cycle' means the period from the day following the date of an election or appointment of a person to elective public office through and including the date of the next such election of a person to the same public office and shall be construed and applied separately for each elective office.

(11) 'Election year' shall be construed and applied separately for each elective office and means for each elective office the calendar year during which a regular or special election to fill such office is held.

~~(11)~~(12) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit, or any transfer of money or anything of value made for the purpose of influencing the nomination for election or election of any person, bringing about the recall of a public officer holding elective office or opposing the recall of a public officer holding elective office, or the influencing of voter approval or rejection of a proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in this state or in a county or a municipal election in this state. The term specifically shall not include the value of personal services performed by persons who serve without compensation from any source and on a voluntary basis. The term 'expenditure' shall also include the payment of a qualifying fee for and ~~in~~ on behalf of a candidate.

~~(12)~~(13) 'Fiduciary position' means any position imposing a duty to act primarily for the benefit of another person as an officer, director, manager, partner, guardian, or other designation of general responsibility of a business entity.

~~(13) 'Filing officer' means that official or commission that is designated in Code Section 21-5-34 to receive campaign contribution disclosure reports.~~

(14) 'Gift' means any gratuitous transfer to a public officer or any member of the family of the public officer or a loan of property or services which is not a contribution as defined in paragraph (7) of this Code section and which is ~~in the amount of \$101.00 or more~~ than \$100.00.

(15) 'Independent committee' means any committee, club, association, partnership, corporation, labor union, or other group of persons, other than a campaign committee, political party, or political action committee, which receives donations during a calendar year from persons who are members or supporters of the committee and which expends such funds either for the purpose of affecting the outcome of an election for any elected office or to advocate the election or defeat of any particular candidate.

(16) 'Intangible property' means property which is not real property and which is held for profit and includes stocks, bonds, interest in partnerships, choses in action, and other

investments but shall not include any ownership interest in any public or private retirement or pension fund, account, or system and shall not include any ownership interest in any public or private life insurance contract or any benefit, value, or proceeds of such life insurance contract.

(16.1) 'Investment' means the investment of money or capital to gain interest or income.

(17) 'Member of the family' means a spouse and all dependent children.

(17.1) 'Nonelection year' shall be construed and applied separately for each elective office and means for each elective office any calendar year during which there is no regular or special election to fill such office.

(17.2) 'Nonprofit organization' means a corporation, foundation, or other legal entity, no part of the net earnings of which inures to the benefit of any private shareholder or individual holding an interest in such entity.

(18) 'Ordinary and necessary expenses' shall include, but shall not be limited to, expenditures made during the reporting period for office costs and rent, lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling, special events, volunteers, reimbursements to volunteers, repayment of any loans received except as restricted under subsection (i) of Code Section 21-5-41, contributions to nonprofit organizations, and flowers for special occasions, which shall include, but are not limited to, birthdays and funerals, and all other expenditures contemplated in Code Section 21-5-33.

(19) 'Person' means an individual, partnership, committee, association, corporation, limited liability company, limited liability partnership, trust, professional corporation, or other business entity recognized in the State of Georgia, labor organization, or any other organization or group of persons.

(20) 'Political action committee' means:

(A) Any committee, club, association, partnership, corporation, labor union, or other group of persons which receives donations during a calendar year from persons who are members or supporters of the committee and which contributes funds to one or more candidates for public office or campaign committees of candidates for public office; and

(B) A 'separate segregated fund' as defined in Code Section 21-5-40.

Such term does not include a candidate campaign committee.

(21) 'Public employee' means every person employed by the executive, legislative, or judicial branch of state government, or any department, board, bureau, agency, commission, or authority thereof.

(22) 'Public officer' means:

(A) Every constitutional officer;

(B) Every elected state official;

(C) The executive head of every state department or agency, whether elected or appointed;

(D) Each member of the General Assembly;

(E) The executive director of each state board, commission, or authority and the members thereof;

(F) Every elected county official and every elected member of a local board of education; and

(G) Every elected municipal official.

(23) 'Qualifying officer' means a person who qualifies a candidate for an election.

(24) 'Reporting period' means the period of time beginning the day after the last report due date, excluding any grace period, through the due date of the next report."

SECTION 3.

Said chapter is further amended by revising subsections (a) and (b) of Code Section 21-5-4, relating to the State Ethics Commission, as follows:

"(a) The Georgia Government Transparency and Campaign Finance Commission shall be a successor to the State Ethics Commission, with such duties and powers as are set forth in this chapter. As the successor commission, it shall have all the powers and duties granted to the State Ethics Commission in all matters pending before the State Ethics Commission and may continue to investigate, prosecute, and act upon all such matters. Those members serving on the State Campaign and Financial Disclosure Commission prior to March 1, 1987, shall serve for a term of office which expires March 1, 1987.

~~(b) There is created the State Ethics Commission, with such duties and powers as are set forth in this chapter. The commission shall be a successor to the State Campaign and Financial Disclosure Commission in all matters pending before the State Campaign and Financial Disclosure Commission on March 1, 1987, and may continue to investigate, prosecute, and act upon all such matters. The commission shall be governed by five members appointed as follows: three members, not more than two of whom shall be from the same political party, shall be appointed by the Governor, two for terms of three years and one for a term of two years; one member shall be appointed by the Senate Committee on Assignments for a term of four years; and one member shall be appointed by the Speaker of the House of Representatives for a term of four years. The initial members shall take office on March 2, 1987. Upon the expiration of a member's term of office, a new member, appointed in the same manner as the member whose term of office expired as provided in this subsection, shall become a member of the commission and shall serve for a term of four years and until such member's successor is duly appointed and qualified. If~~

209 a vacancy occurs in the membership of the commission, a new member shall be appointed
210 to the unexpired term of office by the state official or the committee that appointed the
211 vacating member. Members of the commission shall not serve for more than one complete
212 term of office; ~~provided, however, that the members of the State Campaign and Financial~~
213 ~~Disclosure Commission serving on March 1, 1987, shall be eligible for appointment as~~
214 ~~initial members of the State Ethics Commission."~~

215 **SECTION 4.**

216 Said chapter is further amended by revising Code Section 21-5-5, relating to operating
217 expenses, as follows:

218 "21-5-5.

219 The funds necessary to carry out this chapter shall come from the funds appropriated to and
220 available to the ~~State Ethics Commission~~ commission and from any other available funds.

221 The commission shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12 of
222 Title 45, the 'Budget Act'; provided, however, that the commission shall be assigned for
223 administrative purposes only to the Secretary of State."

224 **SECTION 5.**

225 Said chapter is further amended by revising Code Section 21-5-6, relating to the powers and
226 duties of the State Ethics Commission, as follows:

227 "21-5-6.

228 (a) The commission is vested with the following powers:

229 (1) To meet at such times and places as it may deem necessary;

230 (2) To contract with other agencies, public or private, or persons as it deems necessary
231 for the rendering and affording of such services, facilities, studies, and reports to the
232 commission as will best assist it to carry out its duties and responsibilities;

233 (3) To cooperate with and secure the cooperation of every department, agency, or
234 instrumentality in the state government or its political subdivisions in the furtherance of
235 the purposes of this chapter;

236 (4) To employ an executive secretary and such additional staff as the commission deems
237 necessary to carry out the powers delegated to the commission by this chapter;

238 (5) To issue subpoenas to compel any person to appear, give sworn testimony, or
239 produce documentary or other evidence;

240 (6) To institute and prosecute actions in the superior courts, in its own name, seeking to
241 enjoin or restrain any violation or threatened violation of this chapter;

(7) To adopt in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' such rules and regulations as are specifically authorized in this chapter; and

(8) To do any and all things necessary or convenient to enable it to perform wholly and adequately its duties and to exercise the powers specifically authorized to it in this chapter.

(b) The commission shall have the following duties:

(1) To prescribe forms to be used in complying with this chapter;

(2) To prepare and publish a manual setting forth recommended uniform methods of accounting and reporting for use by persons required by this chapter to file statements and reports;

(3) To accept and file any information voluntarily supplied that exceeds the requirements of this chapter;

(4) To develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter;

(5) To adopt a retention standard for records of the commission in accordance with Article 5 of Chapter 18 of Title 50, the 'Georgia Records Act';

(6) To prepare and publish such other reports and technical studies as in its judgment will tend to promote the purposes of this chapter;

(7) To provide for public dissemination of such summaries and reports;

(8) To determine whether the required statements and reports have been filed and, if so, whether they conform to the requirements of this chapter;

(9) To make investigations, subject to the limitations contained in Code Section 21-5-7.1, with respect to the statements and reports filed under this chapter and with respect to alleged failure to file any statements or reports required under this chapter and upon receipt of the written complaint of any person, verified under oath to the best information, knowledge, and belief by the person making such complaint with respect to an alleged violation of any provision of this chapter, provided that nothing in this Code section shall be construed to limit or encumber the right of the commission to initiate on probable cause an investigation on its own cognizance as it deems necessary to fulfill its obligations under this chapter;

(10)(A) To conduct a preliminary investigation, subject to the limitations contained in Code Section 21-5-7.1, of the merits of a written complaint by any person who believes that a violation of this chapter has occurred, verified under oath to the best information, knowledge, and belief by the person making such complaint. If there are found no reasonable grounds to believe that a violation has occurred, the complaint shall be dismissed, subject to being reopened upon discovery of additional evidence or relevant

material. If the commission determines that there are such reasonable grounds to believe that a violation has occurred, it shall give notice by summoning the persons believed to have committed the violation to a hearing. The hearing shall be conducted in all respects in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The commission may file a complaint charging violations of this chapter, and any person aggrieved by the final decision of the commission is entitled to judicial review in accordance with Chapter 13 of Title 50; provided, however, that nothing in this Code section shall be construed to limit or encumber the right of the commission to initiate on probable cause an investigation on its own cognizance as it deems necessary to fulfill its obligations under this chapter.

(B) In any such preliminary investigation referenced in subparagraph (A) of this paragraph, until such time as the commission determines that there are reasonable grounds to believe that a violation has occurred, it shall not be necessary to give the notice by summons nor to conduct a hearing in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act';

(11) To report suspected violations of law to the appropriate law enforcement authority;

(12) To investigate upon a written complaint any illegal use of public employees in a political campaign by any candidate;

(13) To issue, upon written request, and publish written advisory opinions on the requirements of this chapter, based on a real or hypothetical set of circumstances; and each such written advisory opinion shall be issued within 60 days of the written request for the advisory opinion. The commission shall make all advisory opinions that were issued after January 9, 2006, publicly available for review and shall post these and all future opinions on the commission's website, and the commission shall make all advisory opinions that were issued prior to January 9, 2006, publicly available for review and shall post these opinions on the commission's website. No liability shall be imposed under this chapter for any act or omission made in conformity with a written advisory opinion issued by the commission that is valid at the time of the act or omission;

(14) To issue orders, after the completion of appropriate proceedings, directing compliance with this chapter or prohibiting the actual or threatened commission of any conduct constituting a violation, ~~which~~. Such order may include a provision requiring the violator:

(A) To cease and desist from committing further violations;

(B) To make public complete statements, in corrected form, containing the information required by this chapter;

(C)(i) Except as provided in paragraph (2) of Code Section 21-5-7.1, to pay a civil penalty not to exceed \$1,000.00 for each violation contained in any report required

by this chapter or for each failure to comply with any other provision of this chapter or of any rule or regulation promulgated under this chapter; provided, however, that a civil penalty not to exceed ~~\$5,000.00~~ \$10,000.00 may be imposed for a second occurrence of a violation of the same provision and a civil penalty not to exceed ~~\$10,000.00~~ \$25,000.00 may be imposed for each third or subsequent occurrence of a violation of the same provision. For the purposes of the penalties imposed by this division, the same error, act, omission, or inaccurate entry shall be considered a single violation if the error, act, omission, or inaccurate entry appears multiple times on the same report or causes further errors, omissions, or inaccurate entries in that report or in any future reports or further violations in that report or in any future reports.

(ii) A civil penalty shall not be assessed except after notice and hearing as provided by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The amount of any civil penalty finally assessed shall be recoverable by a civil action brought in the name of the commission. All moneys recovered pursuant to this Code section shall be deposited in the state treasury.

(iii) The Attorney General of this state shall, upon complaint by the commission, or may, upon the Attorney General's own initiative if after examination of the complaint and evidence the Attorney General believes a violation has occurred, bring an action in the superior court in the name of the commission for a temporary restraining order or other injunctive relief or for civil penalties for a violation of any provision of this chapter or any rule or regulation duly issued by the commission.

(iv) Any action brought by the Attorney General to enforce civil penalties for a violation of the provisions of this chapter or of any rule or regulation duly issued by the commission or any order issued by the commission ordering compliance or to cease and desist from further violations shall be brought in the superior court of the county of the residence of the party against whom relief is sought. Service of process shall lie in any jurisdiction within the state. In such actions, the superior court inquiry ~~will~~ shall be limited to whether notice was given by the commission to the violator in compliance with the Constitution and the rules of procedure of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Upon satisfaction that notice was given and a hearing was held pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' the superior court shall enforce the orders of the commission and the civil penalties assessed under this chapter and the superior court shall not make independent inquiry as to whether the violations have occurred.

(v) In any action brought by the Attorney General to enforce any of the provisions of this chapter or of any rule or regulation issued by the commission, the judgment, if in favor of the commission, shall provide that the defendant pay to the commission

the costs, including reasonable attorneys' fees, incurred by the commission in the prosecution of such action.

The commission shall make all such orders that were issued after January 9, 2006, publicly available for review and shall post these and all future orders on the commission's website, and the commission shall make all advisory orders that were issued prior to January 9, 2006, publicly available for review and shall post these orders on the commission's website. Such orders shall serve as precedent for all future orders and opinions of the commission;

(15) To make public its conclusion that a violation has occurred and the nature of such violation;

(16) To petition the superior court within the county where the hearing was or is being conducted for the enforcement of any order issued in connection with such hearing;

(17) To report to the General Assembly and the Governor at the close of each fiscal year concerning the action taken during that time, the names, salaries, and duties of all individuals employed, and the funds disbursed and to make such further report on the matters within its jurisdiction as may appear desirable;

(18) To carry out the procedures, duties, and obligations relative to the commission set forth in this chapter;

(19) On a quarterly basis, to prepare, update, and publish a report and post such report on its website, listing the name of each filer who has not filed the most recent campaign contribution disclosure report required by Code Sections 21-5-34 and 21-5-34.1, the financial disclosure statement required by Code Section 21-5-50, or the disclosure report required by Code Section 21-5-73 within 30 days of the date such report was due to be filed;

(20) To publish overall lobbyist spending by category. Such categories shall include gifts, meals, entertainment, office supplies, lodging, equipment, advertising, travel, and postage;

(21) To promulgate rules and regulations with respect to electronic filings; ~~and~~

(22) To provide and conduct semiannual training on the mechanics of electronic filing and registration;

(23) To award attorneys' fees to the party complained against if the commission deems the complaint to be frivolous, legally or factually, or if the complaining party fails, without good cause, to appear at the preliminary hearing on the complaint; and

(24) To issue a warning letter to persons who have not filed any statement or report required by this chapter."

SECTION 6.

Said chapter is further amended by revising subsection (a) of Code Section 21-5-11, relating to acceptance by public officers of monetary fees or honoraria, as follows:

"(a) No public officer other than a public officer elected state wide shall accept a monetary fee or honorarium in excess of ~~\$101.00~~ \$100.00 for a speaking engagement, participation in a seminar, discussion panel, or other activity which directly relates to the official duties of that public officer or the office of that public officer."

SECTION 7.

Said chapter is further amended by revising Code Section 21-5-13, relating to limitations of actions, as follows:

"21-5-13.

Any action alleging a violation of this chapter shall be commenced within three years after the date of filing of the first report containing the alleged violation ~~involving any person elected to serve for a term of two years, and; provided, however, that~~ any action alleging a violation of this chapter shall be commenced within five years after the date of filing of the first report containing the alleged violation involving any person elected to serve for a term of four or more years or any candidate for an office with a term of four or more years. For purposes of this Code section, an action shall be deemed to have commenced against a person only when either:

(1) A complaint has been accepted by the commission in compliance with Code Section 21-5-7; or

(2) The commission or Attorney General serves on such person a notice of summons or hearing, in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' that alleges that such person has violated this chapter."

SECTION 8.

Said chapter is further amended by revising subsections (d) and (g) of Code Section 21-5-30, relating to contributions made to candidate or campaign committee or for recall of a public officer, as follows:

"(d) Unless otherwise reported individually, where separate contributions of less than ~~\$101.00~~ \$100.00 are knowingly received from a common source, such contributions shall be aggregated for reporting purposes. For purposes of fulfilling such aggregation requirement, members of the family, members of the same firm or partnership, or employees of the same person, as defined in paragraph (19) of Code Section 21-5-3, shall be considered to be a common source; provided, however, that the purchase of tickets for not more than \$25.00 each and for or attendance at a fundraising event by members of the

family, members of the same firm or partnership, or employees of the same person shall not be considered to be contributions from a common source except to the extent that tickets are purchased as a block."

"(g) Neither a candidate who is not a public officer nor his or her campaign committee may lawfully accept a campaign contribution until the candidate has filed with the commission ~~or appropriate local filing officer~~ a declaration of intention to accept campaign contributions which shall include the name and address of the candidate and the names and addresses of his or her campaign committee officers, if any."

SECTION 9.

Said chapter is further amended by revising Code Section 21-5-34, relating to disclosure reports, as follows:

"21-5-34.

(a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee organized to bring about the nomination or election of a candidate for any office, ~~except county and municipal offices~~, and the chairperson or treasurer of every campaign committee designed to bring about the recall of a public officer or to oppose the recall of a public officer or designed to bring about the approval or rejection by the voters of any proposed constitutional amendment, state-wide proposed question, or state-wide referendum shall electronically sign and file with the commission the required campaign contribution disclosure reports.

(B) The chairperson or treasurer of each independent committee ~~as defined in Code Section 21-5-3~~ shall file the required disclosure reports with the commission.

(2)(A) Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of any proposed question which is to appear on the ballot in this state or in a county or a municipal election in this state shall register with the commission and file a campaign contribution disclosure ~~report reports~~ as prescribed by this chapter; provided, however, that such ~~report reports~~ shall only be required if such campaign committee has received contributions which total more than \$500.00 or if such campaign committee has made expenditures which total more than \$500.00. All advertising pertaining to referendums shall identify the principal officer of such campaign committee by listing or stating the name and title of the principal officer.

(B) If a campaign committee is required to file a report under subparagraph (A) of this paragraph, such report shall be electronically filed with the commission ~~for a state election or with the election superintendent of the county in the case of a county election or with the municipal clerk in the case of a municipal election~~. Any such

report shall be filed 15 days prior to the date of the election; and a final report shall be filed prior to December 31 ~~of the year in which the election is held~~ of the election year.

~~(3) A candidate for county office or the chairperson or treasurer of such candidate's campaign committee shall sign and file the required campaign contribution disclosure reports with the election superintendent in the respective county of election.~~

~~(4) A candidate for municipal office or such candidate's campaign committee shall file the reports with the municipal clerk in the respective municipality of election or, if there is no clerk, with the chief executive officer of the municipality.~~

(b)(1) All reports shall list the following:

(A) As to any ~~contributions~~ contribution of ~~\$101.00~~ or more than \$100.00, its amount and date of receipt, the election for which the contribution has been accepted and allocated, along with the name and mailing address of the contributor, and, if the contributor is an individual, that individual's occupation and the name of his or her employer. Such contributions shall include, but shall not be limited to, the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events coordinated for the purpose of raising campaign contributions for the reporting person;

(B) As to any expenditure of ~~\$101.00~~ or more than \$100.00, its amount and date of expenditure, the name and mailing address of the recipient receiving the expenditure, and, if that recipient is an individual, that individual's occupation and the name of his or her employer and the general purpose of the expenditure;

(C) When a contribution consists of a loan, advance, or other extension of credit, the report shall also contain the name of the lending institution or party making the advance or extension of credit and the names, mailing addresses, occupations, and places of employment of all persons having any liability for repayment of the loan, advance, or extension of credit; and, if any such persons shall have a fiduciary relationship to the lending institution or party making the advance or extension of credit, the report shall specify such relationship;

(D) Total contributions received and total expenditures ~~made~~ shall be reported for an election cycle as follows:

(i) ~~Contributions and expenditures shall be reported for the applicable reporting cycle;~~

(ii) ~~A reporting cycle shall commence on January 1 of the year in which an election is to be held for the public office to which a candidate seeks election and shall conclude;~~

~~(I) At the expiration of the term of office if such candidate is elected and does not seek reelection or election to some other office;~~

~~(H) On December 31 of the year in which such election was held if such candidate is unsuccessful, or~~

~~(HH) If such candidate is successful and seeks reelection or seeks election to some other office the current reporting cycle shall end when the reporting cycle for reelection or for some other office begins;~~

(iii) The first report of a reporting an election cycle shall list the net balance cash on hand brought forward from the previous reporting election cycle, if any, and the total contributions received during the period covered by the report;

~~(iv)~~(ii) Subsequent reports shall list the total contributions received during the period covered by the report and the cumulative total of contributions received during the reporting election cycle;

~~(v)~~(iii) The first report of a reporting an election cycle shall list the total expenditures made during the period covered by the report;

~~(vi)~~(iv) Subsequent reports shall list the total expenditures made during the period covered by the report, the cumulative total of expenditures made during the reporting election cycle, and net balance cash on hand; and

~~(vii)~~(v) If a public officer seeks reelection to the same public office, or if the public officer is a member of the General Assembly seeking reelection in another district as a result of redistricting, the net balance cash on hand at the end of the current reporting election cycle shall be carried forward to the first report of the applicable new reporting election cycle; and

(E) The corporate, labor union, or other affiliation of any political action committee or independent committee making a contribution of ~~\$101.00~~ or more than \$100.00;

(F) Any investment made with funds of a campaign committee, independent committee, or political action committee and held outside such committee's official depository account during each reporting period for which an investment exists or a transaction applying to an identifiable investment is made. The report shall identify the name of the entity or person with whom such investment was made, the initial and any subsequent amount of such investment if such investment was made during the reporting period, and any profit or loss from the sale of such investment occurred during such reporting period; and

(G) Total debt owed on the last day of the reporting period.

(2) Each report shall be in such form as will allow for the separate identification of a contribution or contributions which are less than ~~\$101.00~~ \$100.00 but which become reportable due to the receipt of an additional contribution or contributions which when combined with such previously received contribution or contributions cumulatively equal or exceed ~~\$101.00~~ \$100.00.

(c) Candidates or campaign committees which accept contributions, make expenditures designed to bring about the nomination or election of a candidate, or have filed a declaration of intention to accept campaign contributions pursuant to subsection (g) of Code Section 21-5-30 shall file campaign contribution disclosure reports in compliance with the following schedule:

(1) In each nonelection year on June 30 and December 31;

(2) In each election year ~~in which the candidate qualifies to run for public office:~~

(A) On March 31, June 30, September 30, October 25, and December 31;

(B) Six days before any run-off primary or election in which the candidate is listed on the ballot; and

(C) During the period of time between the last report due prior to the date of any election for which the candidate is qualified and the date of such election, all contributions of \$1,000.00 or more shall be reported within two business days of receipt to the ~~location where the original disclosure report for such candidate or committee was filed~~ commission and also reported on the next succeeding regularly scheduled campaign contribution disclosure report;

(3) If the candidate is a candidate in a special primary or special primary runoff, 15 days prior to the special primary and six days prior to the special primary runoff; and

(4) If the candidate is a candidate in a special election or special election runoff, 15 days prior to the special election and six days prior to the special election runoff.

All persons or entities required to file reports shall have a five-day grace period in filing the required reports, except that the grace period shall be two days for required reports prior to run-off primaries or run-off elections, and no grace period shall apply to contributions required to be reported within two business days. ~~Except as provided for electronic filing, the mailing of such reports by United States mail with adequate postage affixed, within the required filing time as determined by the official United States postage date cancellation, shall be prima-facie evidence of filing but reports~~ Reports required to be filed within two business days of a contribution shall ~~also~~ be reported by facsimile; or ~~electronic transmission to the commission; or otherwise within those two business days to the location where the original disclosure report for such candidate or committee was filed.~~ ~~A report or statement required to be filed by this Code section other than a report of contributions required to be reported within two business days shall be verified by the oath or affirmation of the person filing such report or statement taken before an officer authorized to administer oaths.~~ Each report required in the calendar year of the election year shall contain cumulative totals of all contributions which have been received and all expenditures which have been made in support of the campaign in question and which are required, or previously have been required, to be reported.

(d) In the event any candidate covered by this chapter has no opposition in either a primary or a general election and receives no contribution of ~~\$101.00~~ or more than \$100.00, such candidate shall only be required to make the initial and final report as required under this chapter.

(e) Any person who makes contributions to, accepts contributions for, or makes expenditures on behalf of candidates, and any independent committee, shall file a registration with the commission in the same manner as is required of campaign committees prior to accepting or making contributions or expenditures. Such persons, other than independent committees, shall also file campaign contribution disclosure reports ~~in the same places and~~ with the commission at the same times as required of the candidates they are supporting. The following persons shall be exempt from the foregoing registration and reporting requirements:

- (1) Individuals making aggregate contributions of \$25,000.00 or less directly to candidates or the candidates' campaign committees in one calendar year;
- (2) Persons other than individuals making aggregate contributions and expenditures to or on behalf of candidates of \$25,000.00 or less in one calendar year; and
- (3) Contributors who make contributions to only one candidate during one calendar year.

(f)(1) Any independent committee which accepts contributions or makes expenditures for the purpose of affecting the outcome of an election or advocates the election or defeat of any candidate shall register with the commission prior to accepting contributions or making expenditures and shall file disclosure reports with the commission as follows:

- (A) On the first day of each of the two calendar months preceding any such election;
- (B) Two weeks prior to the date of such election; and
- (C) Within the two-week period prior to the date of such election the independent committee shall report within two business days any contributions or expenditure of more than \$1,000.00.

The independent committee shall file a final report prior to December 31 of the election year ~~in which the election is held~~ and shall file supplemental reports on June 30 and December 31 of each year that such independent committee continues to accept contributions or make expenditures.

(2) Reports filed by independent committees shall list the following:

- (A) The amount and date of receipt, along with the name, mailing address, occupation, and employer of any person making a contribution of ~~\$101.00~~ or more than \$100.00;
- (B) The name, mailing address, occupation, and employer of any person to whom an expenditure or provision of goods or services of the value of ~~\$101.00~~ or more than \$100.00 is made and the amount, date, and general purpose thereof, including the name

of the candidate or candidates, if any, on behalf of whom, or in support of or in opposition to whom, the expenditure or provision was made;

(C) Total expenditures made as follows:

(i) Expenditures shall be reported for the applicable reporting year;

(ii) The first report of a reporting year shall list the total expenditures made during the period covered by the report; and

(iii) Subsequent reports shall list the total expenditures made during the period covered by the report, the cumulative total of expenditures made during the reporting year, and net balance on hand; and

(D) The corporate, labor union, or other affiliation of any political action committee, candidate, campaign committee, or independent committee making a contribution of the value of ~~\$101.00~~ or more than \$100.00.

(3) Whenever any independent committee makes an expenditure for the purpose of financing any communication intended to affect the outcome of an election, such communication shall clearly state that it has been financed by such independent committee.

(g) Any campaign committee which accepts contributions or makes expenditures designed to bring about the recall of a public officer or to oppose the recall of a public officer shall file campaign contribution disclosure reports with the commission as follows:

(1) An initial report shall be filed within 15 days after the date when the official recall petition forms were issued to the sponsors;

(2) A second report shall be filed 45 days after the filing of the initial report;

(3) A third report shall be filed within 20 days after the election superintendent certifies legal sufficiency or insufficiency of a recall petition; and

(4) A final report shall be filed prior to December 31 of the year in which the recall election is held or, in any case where such recall election is not held, a final report shall be filed prior to December 31 of any year in which such campaign committee accepts such contributions or makes such expenditures; ~~and~~

~~(5) In the case of state officials or county officials, a copy of each of the reports shall also be filed with the election superintendent in the county of residence of the official sought to be recalled. In the case of municipal officials, a copy of the reports shall also be filed with the municipal clerk in the municipality of residence of the official sought to be recalled or, if there is no clerk, with the chief executive officer of the municipality.~~

~~Each filing officer shall forward a copy of the reporting forms required by this Code section to each candidate or public officer holding elective office required to file such report within a reasonable time prior to each filing.~~

(h) Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of a proposed constitutional amendment or a state-wide referendum shall file a campaign contribution disclosure report with the commission 75, 45, and 15 days prior to the date of the election and shall file a final report prior to December 31 of the election year ~~in which the election is held~~.

~~(i) In any county in which the county board of elections does not maintain an office open to the public during normal business hours for five days a week, the reports required by this Code section shall be filed in the office of the judge of the probate court of that county.~~

~~(j)~~(i)(1) Any person elected to a public office who is required to file campaign contribution disclosure reports pursuant to this article shall, upon leaving public office with excess contributions, be required to file supplemental campaign contribution disclosure reports on June 30 and December 31 of each year until such contributions are expended in a campaign for elective office or used as provided in subsection (b) of Code Section 21-5-33.

(2) Any person who is an unsuccessful candidate in an election and who is required to file campaign contribution disclosure reports pursuant to this article shall for the remainder of the ~~reporting~~ election cycle file such reports at the same times as a successful candidate and thereafter, upon having excess contributions from such campaign, be required to file a supplemental campaign contribution disclosure report no later than December 31 of each year until such contributions are expended in a campaign for elective office or used as provided in subsection (b) of Code Section 21-5-33. Any unsuccessful candidate in an election who is required to file campaign contribution disclosure reports pursuant to this article and who receives contributions following such election to retire debts incurred in such campaign for elective office shall be required to file a supplemental campaign contribution disclosure report no later than December 31 of each year until such unpaid expenditures from such campaign are satisfied.

~~(k)~~(i) Notwithstanding any other provision of this chapter to the contrary, soil and water conservation district supervisors elected pursuant to Article 2 of Chapter 6 of Title 2, the 'Soil and Water Conservation Districts Law,' shall not be required to file campaign contribution disclosure reports under this Code section.

~~(h)~~(k) In addition to other penalties provided under this chapter, ~~an additional filing a late fee of \$25.00~~ \$100.00 shall be imposed for each report that is filed late, and notice of such late fee shall be sent to the candidate and the candidate's committee by registered or certified mail or statutory overnight delivery, return receipt requested, and shall include the schedule of increasing late fees for late filings and the dates upon which such late fees shall be increased. In addition, a filing late fee of ~~\$50.00~~ \$250.00 shall be imposed on the fifteenth day after the due date for such report if the report has ~~still~~ not been filed by such

date; provided, however, a 15 day extension period shall be granted on the final report. A
late fee of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such
report if such report has not been filed. Campaign committee funds shall not be used to
pay such penalty.

~~(m)(l)~~ It shall be the duty of the commission ~~or any other officer or body which~~ when it
receives for filing any disclosure report or statement or other document required to that
may be filed under this chapter by mail to maintain with the filed document a copy of the
 postal markings or statutory overnight delivery service markings of any envelope, package,
 or wrapping in which the document was delivered for filing if mailed or sent after the date
 such filing was due.

~~(n) Any disclosure report, statement, or other document required to be filed under this~~
~~chapter which is in the possession of the Secretary of State shall be transferred to the~~
~~commission.~~

(m) Any person or entity which is required to be registered with the commission shall file
a termination statement together with its final campaign contribution disclosure report as
required by this Code section. The termination statement shall identify the person
responsible for maintaining campaign records as required by this chapter.

(n) The commission shall not disclose any information contained within a campaign
contribution disclosure report that is not expressly required to be disclosed by this Code
section."

SECTION 10.

Said chapter is further amended by revising Code Section 21-5-34.1, relating to filing
 campaign contribution disclosure reports electronically, as follows:

"21-5-34.1.

~~(a) Candidates seeking election to constitutional offices, the Supreme Court, the Court of~~
~~Appeals, and the Public Service Commission, candidate committees, and public officers~~
~~who are required to file campaign contribution disclosure reports shall use electronic means~~
~~to file their campaign contribution disclosure such reports with the commission upon~~
~~having raised or spent a minimum of \$20,000.00 in an election cycle. Under that threshold,~~
~~electronic filing is permitted and encouraged but not required using means prescribed by~~
~~the commission to file such reports.~~

(b) The electronic filing of any campaign disclosure report required under this article shall
constitute an affirmation that such report is true, complete, and correct. Candidates seeking
~~election to the General Assembly, superior courts, and the office of district attorney shall~~
~~use electronic means to file their campaign contribution disclosure reports with the~~
~~commission, as specified in Code Section 21-5-34, upon having raised or spent a minimum~~

of \$10,000.00 in an election cycle, but contributions and expenditures received or made prior to reaching such threshold need not be electronically filed if previously reported, except as cumulative totals. Under that threshold, electronic filing is permitted and encouraged but not required.

(c) Candidates seeking election to county or municipal offices shall use electronic means to file their campaign contribution disclosure reports with the ~~election superintendent of their county or the municipal clerk or chief executive officer of their municipality, as specified in Code Section 21-5-34,~~ commission upon having raised or spent a minimum of ~~\$10,000.00~~ \$20,000.00 in an election cycle, but contributions and expenditures received or made prior to reaching such threshold need not be electronically filed if previously reported, except as cumulative totals. Under that threshold, electronic filing is permitted and encouraged but not required.

(d) Political action committees, independent committees, and any persons otherwise required by this article to file campaign contribution disclosure reports shall use electronic means to file such reports with the commission upon having raised or spent \$5,000.00 in a calendar year, and no paper copy of the report shall be filed. Under that threshold, electronic filing is permitted and encouraged but not required.

(e) The electronic filing of any campaign contribution disclosure report required under this article shall constitute an affirmation that the report is true, complete, and correct.

~~(f) When campaign contribution disclosure reports are filed electronically, as provided in subsections (a) through (d) of this Code section, no paper copy of the report shall be filed."~~

SECTION 11.

Said chapter is further amended by revising Code Section 21-5-36, relating to disposition of reports, handling of complaints, and violations, as follows:

"21-5-36.

(a) It shall be the duty of the ~~filing officer~~ commission to make the campaign contribution disclosure reports available for public inspection and copying during regular office hours commencing as soon as practicable after such filing. ~~Such filing officer reports are filed.~~ The commission shall have the authority to charge a fee for copying such reports not to exceed the actual cost of such copying. The ~~filing officer~~ commission shall preserve such reports for a period of five years from the date upon which they are received. A ~~filing~~ qualifying officer shall notify the commission in writing of:

~~(1) The~~ the names and addresses of all candidates and offices sought in ~~a special~~ any election, ~~when held at a time other than election dates scheduled by law or charter,~~ within ten days of the close of the qualification period; ~~and~~

(2) ~~Within ten days after the date a report is due, the names and addresses of candidates or campaign committees which have not filed required campaign disclosure reports as required by law in the election in question.~~

~~A filing officer shall immediately notify the commission when such officer shall receive any complaint against any candidate offering for any office specified in Code Section 21-5-2 or against any campaign committee and shall forward the complaint to the commission and shall retain a copy of the complaint. In the event any complaint is against a county or municipal candidate, a copy of the reports filed by such candidate shall be forwarded to the commission along with the complaint.~~

(b) After receiving original reports, the ~~The commission or filing officer receiving original~~ reports has the duty to inspect each report filed with such commission or officer by candidates or by a campaign committee for conformity with the law and to notify the candidate or campaign committee immediately if the report does not conform with the law; ~~is unsigned~~; or is ~~otherwise~~ in technical violation of filing requirements. Such notification shall be by electronic means and regular United States mail.

(c) Within ten business days of the close of the qualification period, qualifying officers shall electronically report to the commission the names and addresses of all candidates and offices sought by each candidate in an election and the qualifying date for such candidate."

SECTION 12.

Said chapter is further amended by striking in their entirety paragraphs (4) and (4.1) of Code Section 21-5-40, relating to definitions, and designating paragraph (4) as reserved.

SECTION 13.

Said chapter is further amended by revising subsection (k) of Code Section 21-5-41, relating to maximum allowable contributions, as follows:

"(k) At the end of the election cycle applicable to each public office as to which campaign contributions are limited by this Code section and every four years for all other elections to which this Code section is applicable, the contribution limitations in this Code section shall be raised or lowered in increments of \$100.00 by regulation of the ~~State Ethics Commission~~ commission pursuant to a determination by the commission of inflation or deflation during such cycle or four-year period, as determined by the Consumer Price Index published by the Bureau of Labor Statistics of the United States Department of Labor, and such limitations shall apply until next revised by the commission. The commission shall adopt rules and regulations for the implementation of this subsection."

SECTION 14.

Said chapter is further amended by revising Code Section 21-5-50, relating to filing financial disclosure statements, as follows:

"21-5-50.

(a)(1) Except as modified in subsection (c) of this Code section with respect to candidates for state-wide elected public office, each public officer, as defined in subparagraphs (A) through ~~(E)~~ (D), (F), and (G) of paragraph (22) of Code Section 21-5-3, shall file with the commission not before the first day of January nor later than July 1 of each year in which such public officer holds office other than ~~the~~ an election year in which an election is held for such public office, a financial disclosure statement for the preceding calendar year; and each person who qualifies as a candidate for election as a public officer, as defined in subparagraphs (A) through ~~(E)~~ (D), (F), and (G) of paragraph (22) of Code Section 21-5-3, shall file with the commission, no later than the fifteenth day following the date of qualifying as a candidate, a financial disclosure statement for the preceding calendar year.

(2) Except as set forth in paragraph (3) of this subsection, a public officer, as defined in subparagraph (E) of paragraph (22) of Code Section 21-5-3, shall not be required to file a financial disclosure statement pursuant to this Code section. Each such public officer shall, however, be deemed to be a public official for purposes of Code Section 45-10-26 and shall be subject to the disclosure requirements set forth in Code Section 45-10-26. In addition, each such public officer shall file with the commission, prior to January 31 each year, an affidavit confirming that such public officer took no official action in the previous calendar year that had a material effect on such public officer's private financial or business interests. Each public officer, as defined in subparagraph (F) of paragraph (22) of Code Section 21-5-3, shall file with the election superintendent of the county of election of such public officer, not before the first day of January nor later than July 1 of each year in which such public officer holds office other than the year in which an election is held for such public office, a financial disclosure statement for the preceding calendar year. Each person who qualifies as a candidate for election as a public officer, as defined in subparagraph (F) of paragraph (22) of Code Section 21-5-3, shall file with the election superintendent of the county of election, no later than the fifteenth day following the date of qualifying as a candidate, a financial disclosure statement for the preceding calendar year.

(3) A public officer, as defined in subparagraph (E) of paragraph (22) of Code Section 21-5-3, who serves as a member of the commission shall be subject to the requirements for filing financial disclosure statements set forth in paragraph (1) of this subsection. In addition, each such public officer shall file with the commission, together with the

~~financial disclosure statement, an affidavit confirming that such public officer took no official action in the previous calendar year that had a material effect on such public officer's private financial or business interests. Each public officer, as defined in subparagraph (G) of paragraph (22) of Code Section 21-5-3, shall file with the municipal clerk of the municipality of election or, if there is no clerk, with the chief executive officer of such municipality, not before the first day of January nor later than July 1 of each year in which such public officer holds office other than the year in which an election is held for such public office, a financial disclosure statement for the preceding calendar year. Each person who qualifies as a candidate for election as a public officer, as defined in subparagraph (G) of paragraph (22) of Code Section 21-5-3, shall file with the municipal clerk of the municipality of election or, if there is no clerk, with the chief executive officer of such municipality, no later than the fifteenth day following the date of qualifying as a candidate, a financial disclosure statement for the preceding calendar year.~~

(4) ~~The filing officer~~ commission shall review each financial disclosure statement to determine that such statement is in compliance with the requirements of this chapter.

(5) A public officer shall not, however, be required to file such a financial disclosure statement for the preceding calendar year in a an election year ~~in which there occurs qualifying for election to succeed such public officer~~, if such public officer does not qualify for nomination for election to succeed himself or herself or for election to any other public office subject to this chapter. For purposes of this ~~subsection~~ paragraph, a public officer shall not be deemed to hold office in a year in which the public officer holds office for ~~less~~ fewer than 15 days.

(b) A financial disclosure statement shall be in the form specified by the commission and shall identify:

(1) Each monetary fee or honorarium which is accepted by a public officer from speaking engagements, participation in seminars, discussion panels, or other activities which directly relate to the official duties of the public officer or the office of the public officer, with a statement identifying the fee or honorarium accepted and the person from whom it was accepted;

(2) All fiduciary positions held by the candidate for public office or the public officer, with a statement of the title of each such position, the name and address of the business entity, and the principal activity of the business entity;

(3) The name, address, and principal activity of any business entity, exclusive of the names of individual stocks and bonds in mutual funds, and the office held by and the duties of the candidate for public office or public officer within such business entity as

of December 31 of the covered year in which such candidate or officer has a direct ownership interest which interest:

(A) Is more than 5 percent of the total interests in such business; or

(B) Has a net fair market value of more than ~~\$10,000.00~~ \$5,000.00;

(4)(A) Each tract of real property in which the candidate for public office or public officer has a direct ownership interest as of December 31 of the covered year when that interest has a fair market value in excess of ~~\$10,000.00~~ \$5,000.00. As used in this paragraph, the term 'fair market' value means the appraised value of the property for ad valorem tax purposes. The disclosure shall contain the county and state, general description of the property, and whether the fair market value is between (i) ~~\$10,000.00~~ \$5,000.00 and \$100,000.00; (ii) \$100,000.01 and \$200,000.00; or (iii) more than \$200,000.00;

(B) Each tract of real property in which the candidate for public office's spouse or public officer's spouse has a direct ownership interest as of December 31 of the covered year when that interest has a fair market value in excess of ~~\$10,000.00~~ \$5,000.00. The disclosure shall contain the county and state, general description of the property, and whether the fair market value is between (i) ~~\$10,000.00~~ \$5,000.00 and \$100,000.00; (ii) \$100,000.01 to \$200,000.00; (iii) or more than \$200,000.00;

(5) The filer's occupation, employer, and the principal activity and address of such employer;

(6) The filer's spouse's name, occupation, employer, and the principal activity and address of such employer;

~~(7) The names of the filer's dependent children;~~

~~(8) The name of any business or subsidiary thereof or investment, exclusive of the individual stocks and bonds in mutual funds, in which the filer, jointly or severally, owns a direct ownership interest which interest:~~

~~(A) Is more than 5 percent of the total interests in such business or investment, exclusive of the individual stocks and bonds in mutual funds; or~~

~~(B) Has a net fair market value of more than \$10,000.00;~~

~~(9)~~(7) If the filer has actual knowledge of such ownership interest, the name of any business or subsidiary thereof or investment, exclusive of the individual stocks and bonds in, or mutual funds, in which the filer's spouse or dependent children, jointly or severally, own a direct ownership interest which interest:

(A) Is more than 5 percent of the total interests in such business or investment, exclusive of the individual stocks and bonds in mutual funds; or

(B) Has a net fair market value of more than \$10,000.00 for more than 30 consecutive days during the previous calendar year

or in which the filer's spouse or any dependent child serves as an officer, director, equitable partner, or trustee; and

~~(10)(8)~~ All annual payments in excess of ~~\$20,000.00~~ \$10,000.00 received by the public officer or any business entity identified in paragraph (3) of this subsection from the state, any agency, department, commission, or authority created by the state, and authorized and exempted from disclosure under Code Section 45-10-25, and the agency, department, commission, or authority making the payments, and the general nature of the consideration rendered for the source of the payments; ~~and~~

~~(11) No form prescribed by the commission shall require more information or specify more than provided in the several paragraphs of this Code section with respect to what is required to be disclosed.~~

(b.1) The commission shall not require the reporting of any more information than is expressly required to be disclosed by this Code section.

(c)(1) Each person who qualifies with a political party as a candidate for party nomination to a public office elected state wide (including an incumbent public officer elected state wide qualifying to succeed himself or herself) shall file with the commission, not later than seven days after so qualifying, a financial disclosure statement. Each person who qualifies as a candidate for election to a public office elected state wide through a nomination petition or convention shall likewise file a financial disclosure statement not later than seven days after filing his or her notice of candidacy. Such financial disclosure statement shall comply with the requirements of subsections (a) and (b) of this Code section and shall in addition identify, for the preceding five calendar years:

(A) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar year in which the candidate (whether for himself or herself or on behalf of any business) or any business in which such candidate or any member of his or her family has a substantial interest or is an officer of such business has transacted business with the government of the State of Georgia, the government of any political subdivision of the State of Georgia, or any agency of any such government; and

(B) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar year in which the candidate or any business in which such candidate or any member of his or her family has a substantial interest or is an officer of such business received any income of any nature from any person who was at the time of such receipt of income represented by a lobbyist registered with the commission pursuant to Article 4 of this chapter.

(2) The financial disclosure statement required by paragraph (1) of this subsection shall include an itemized list of the transactions required to be reported, including the date of,

dollar amount of, and parties to each such transaction. However, with respect to any transactions of a privileged nature only the total amount of such transactions shall be required to be reported, and names, dates, amounts of individual transactions, and other identifying data may be omitted; and for this purpose 'transactions of a privileged nature' shall include transactions between attorney and client, transactions between psychiatrist and patient, transactions between physician and patient, and any other transactions which are by law of a similar privileged and confidential nature.

(3) The financial disclosure statement required by paragraph (1) of this subsection shall be accompanied by a financial statement of the candidate's financial affairs for the calendar year prior to the year in which the election is held and the first quarter of the calendar year in which the election is held.

(4) As used in this subsection, the term:

(A) 'Agency' means any agency, authority, department, board, bureau, commission, committee, office, or instrumentality of the State of Georgia or any political subdivision of the State of Georgia.

(B) 'Financial statement' means a statement of a candidate's financial affairs in a form substantially equivalent to the short form financial statement required for bank directors under the rules of the Department of Banking and Finance.

(C) 'Person' and 'transact business' shall have the meanings specified in Code Section 45-10-20.

(D) 'Substantial interest' means the direct or indirect ownership of 10 percent or more of the assets or stock of any business.

(5) Notwithstanding any other provisions of this subsection, if, due to a special election or otherwise, a person does not qualify as a candidate for nomination or election to public office until after the filing date otherwise applicable, such person shall make the filings required by this subsection within seven days after so qualifying.

~~(d) Beginning January 9, 2006, all All state-wide elected officials and members of the General Assembly shall file financial disclosure statements electronically with the commission. Prior to such date, electronic filing of financial disclosure statements by such persons is permitted and encouraged but not required.~~

(e) The electronic filing of any financial disclosure statement required under this article shall constitute an affirmation that the statement is true, complete, and correct.

~~(f) Any disclosure report, statement, or other document required to be filed under this chapter which is in the possession of the Secretary of State shall be transferred to the commission. In addition to other penalties provided in this chapter, a late fee of \$100.00 shall be imposed for each financial disclosure statement that is filed late, and notice of such late fee shall be sent to the candidate and the candidate's committee by registered or~~

966 certified mail or statutory overnight delivery, return receipt requested, and shall include the
967 schedule of increasing late fees for late filings and the dates upon which such late fees shall
968 be increased. In addition, a late fee of \$250.00 shall be imposed on the fifteenth day after
969 the due date for such statement if such statement has not been filed. A late fee of \$1,000.00
970 shall be imposed on the forty-fifth day after the due date for such statement if the statement
971 has not been filed. Campaign committee funds shall not be used to pay such penalty.
972 (g) The commission shall disclose any information from a financial disclosure statement
973 that is not expressly required to be disclosed by this Code section."

974 **SECTION 15.**

975 Said chapter is further amended by revising Code Section 21-5-51, relating to verification
976 of statement, as follows:

977 "21-5-51.

978 ~~The financial disclosure statements required under this article shall be verified by oath or~~
979 ~~affirmation of the public officer filing the statement, such oath or affirmation to be taken~~
980 ~~before an officer authorized to administer oaths, unless filed electronically in which case~~
981 ~~the electronic filing shall constitute an affirmation that the statement is true, complete, and~~
982 ~~correct. Reserved."~~

983 **SECTION 16.**

984 Said chapter is further amended by revising Code Section 21-5-52, relating to filing by mail,
985 as follows:

986 "21-5-52.

987 ~~(a) The mailing of the notarized financial disclosure affidavit by United States mail, with~~
988 ~~adequate postage affixed, within the required filing time as determined by the official~~
989 ~~United States postage date cancellation, shall be prima-facie proof of filing when the~~
990 ~~disclosure statement is not filed electronically.~~

991 ~~(b) It shall be the duty of the commission or any other officer or body which receives for~~
992 ~~filing any document required to be filed under this chapter to maintain with the filed~~
993 ~~document a copy of the postal markings or statutory overnight delivery service markings~~
994 ~~of any envelope, package, or wrapping in which the document was delivered for filing if~~
995 ~~mailed or sent after the date such filing was due. Reserved."~~

996 **SECTION 17.**

997 Said chapter is further amended by revising Code Section 21-5-53, relating to public record,
998 as follows:

999 "21-5-53.

1000 Financial disclosure statements filed pursuant to this article shall be public records and
 1001 shall be subject to inspection and copying by any member of the public as provided by law
 1002 for other public records. ~~Within ten days after the date financial disclosure statements are~~
 1003 ~~due, the filing officer shall notify the commission in writing of the names and addresses of~~
 1004 ~~candidates or public officers who have not filed financial disclosure statements as required~~
 1005 ~~by this article."~~

1006 **SECTION 18.**

1007 Said chapter is further amended by revising subparagraph (E) of paragraph (1) and
 1008 paragraph (7) of Code Section 21-5-70, relating to definitions, as follows:

1009 "(E) The term shall not include:

- 1010 (i) The value of personal services performed by persons who serve voluntarily
 1011 without compensation from any source;
- 1012 (ii) A gift received from a member of the public officer's family;
- 1013 (iii) Legal compensation or expense reimbursement provided to public employees
 1014 and to public officers in the performance of their duties;
- 1015 (iv) Promotional items generally distributed to the general public or to public officers
 1016 and food and beverages produced in Georgia;
- 1017 (v) An award, plaque, certificate, memento, or similar item given in recognition of
 1018 the recipient's civic, charitable, political, professional, or public service;
- 1019 (vi) Legitimate salary, benefits, fees, commissions, or expenses associated with a
 1020 recipient's nonpublic business, employment, trade, or profession;
- 1021 (vii) Food, beverages, and registration at group events to which all members of an
 1022 agency, as defined in paragraph (1) of subsection (a) of Code Section 21-5-30.2, are
 1023 invited. An agency shall include the Georgia House of Representatives, the Georgia
 1024 Senate, committees and subcommittees of such bodies, and the governing body of
 1025 each political subdivision of this state;
- 1026 (viii) Campaign contributions or expenditures reported as required by Article 2 of
 1027 this chapter;
- 1028 (ix) A commercially reasonable loan made in the ordinary course of business; ~~or~~
- 1029 (x) Food, beverage, or expenses afforded public officers, members of their immediate
 1030 families, or others that are associated with normal and customary business or social
 1031 functions or activities;
- 1032 (xi) Transportation unless a lobbyist arranges for or participates in such
 1033 transportation; or

(xii) Reimbursement or payment of actual and reasonable expenses for food, beverages, travel, transportation, lodging, registration, and other related activities for a meeting which is provided to a public officer to permit such public officer's participation in such meeting."

"(7) 'State agency' means any branch of state government, or local political subdivision thereof, agency, authority, department, board, bureau, commission, council, corporation, entity, or instrumentality of the state ~~but does not include a local political subdivision, such as a county, city, or local school district or an instrumentality of such a local political subdivision."~~

SECTION 19.

Said chapter is further amended by revising subsections (a), (b), (c), and (f) and paragraph (4) of subsection (i) of Code Section 21-5-71, relating to lobbyist registration requirements, fees, identification cards, and exemptions, as follows:

"(a) No person shall engage in lobbying as defined by this article unless such person is registered with the commission as a lobbyist. The commission shall not allow a person who has been convicted of a felony involving moral turpitude in the courts of this state or an offense that, had it occurred in this state, would constitute a felony involving moral turpitude under the laws of this state to become a registered lobbyist unless ten years or more have elapsed since the completion of the person's sentence. The administration of this article is vested in the commission.

(b) Each lobbyist shall file an application for registration with the commission. The application shall be verified by the applicant and shall contain:

(1) The applicant's name, address, and telephone number;

(2) The name, address, and telephone number of the person or agency that employs, appoints, or authorizes the applicant to lobby on its behalf;

(3) A statement of the general business or purpose of each person, firm, corporation, association, or agency the applicant represents;

(4) If the applicant represents a membership group other than an agency or corporation, the general purpose and approximate number of members of the organization;

(5) A statement signed by the person or agency employing, appointing, or authorizing the applicant to lobby on its behalf;

(6) If the applicant is a lobbyist within the meaning of subparagraph (G) or (H) of paragraph (5) of Code Section 21-5-70, the name of the state agency or agencies before which the applicant engages in lobbying; ~~and~~

(7) A statement disclosing each individual or entity on whose behalf the applicant is registering if such individual or entity has agreed to pay him or her an amount exceeding \$10,000.00 in a calendar year for lobbying activities; and

(8) A statement verifying that the applicant has not been convicted of a felony involving moral turpitude in the courts of this state or an offense that, had it occurred in this state, would constitute a felony involving moral turpitude under the laws of this state or, if the applicant has been so convicted, a statement identifying such conviction, the date thereof, a copy of the person's sentence, and a statement that more than ten years have elapsed since the completion of his or her sentence.

(c) The lobbyist shall, within seven days of any substantial or material change or addition, file a supplemental registration indicating such substantial or material change or addition to the registration prior to its expiration. Previously filed information may be incorporated by reference. Substantial or material changes or additions shall include, but are not limited to, the pertinent information concerning changes or additions to client and employment information required by paragraphs (2), (3), (4), (6), and (7) and conviction status required by paragraph (8) of subsection (b) of this Code section."

"(f)(1) Each person registering under this Code section shall pay the registration fees set forth in paragraph (2) of this subsection; provided, however, that a person who represents any state, county, municipal, or public agency, department, commission, or authority shall be exempted from payment of such registration fees and a person employed by an organization exempt from federal income taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2, shall be exempted from payment of such registration fees except for payment of an initial registration fee of \$25.00.

(2) The commission shall collect the following fees:

(A) Annual lobbyist registration filed pursuant to this Code section. ~~\$ 200.00~~ 300.00

(B) Lobbyist supplemental registration filed pursuant to this Code section. 10.00

(C) Each lobbyist identification card issued pursuant to this Code section. ~~5.00~~ 20.00

(D) For reports filed when the General Assembly is not in session, in
~~In~~ addition to other penalties provided under this chapter, a ~~filing~~ late
 fee of ~~\$50.00~~ \$250.00 shall be imposed for each report that is filed
 late. In addition, a ~~filing~~ late fee of ~~\$25.00~~ \$1,000.00 shall be imposed
 on the fifteenth day after the due date ~~if the~~ for such report ~~if the report~~
 has ~~still~~ not been filed. A late fee of \$10,000.00 shall be imposed on

the forty-fifth day after the due date for such report if the report has not been filed.

(E) For reports filed when the General Assembly is in session, in addition to other penalties provided under this chapter, a late fee of \$250.00 shall be imposed for each report that is filed late. In addition, a late fee of \$1,000.00 shall be imposed on the seventh day after the due date for such report if the report has not been filed. A late fee of \$10,000.00 shall be imposed on the twenty-first day after the due date for such report if the report has not been filed."

"(4) Any licensed attorney appearing on behalf of a client in any adversarial proceeding before an agency of this state or any political subdivision of this state;"

SECTION 20.

Said chapter is further amended by revising Code Section 21-5-73, relating to lobbyists' disclosure reports, as follows:

"21-5-73.

(a) Each lobbyist registered under this article shall file disclosure reports as provided for in this Code section in the electronic format specified by the commission.

(b) A person who is a lobbyist pursuant to subparagraph (A), (B), or (C) of paragraph (5) of Code Section 21-5-70 shall file a ~~monthly~~ bimonthly disclosure report on the first and fifteenth day of each month, current through the end of the preceding ~~month, on or before the fifth day of any month while~~ report, beginning January 15 and continuing throughout the period that the General Assembly is in session.

(c) A person who is a lobbyist pursuant to subparagraph (D) or (E) of paragraph (5) of Code Section 21-5-70 shall:

(1) File a disclosure report, current through the end of the preceding month, on or before the fifth day of May, September, and January of each year instead of the reports required by subsections (b) and (d) of this Code section; and

(2) File such report with the commission, file a copy of such report with the election superintendent of each county involved if the report contains any expenditures relating to county or county school district affairs, and file a copy of such report with the municipal clerk (or if there is no municipal clerk, with the chief executive officer of the municipality) of each municipality involved if the report contains any expenditures relating to municipal affairs or independent school district affairs.

(d) A person who is a lobbyist pursuant to subparagraph (A), (B), (C), (F), (G), or (H) of paragraph (5) of Code Section 21-5-70 shall file a monthly disclosure report, current through the end of the preceding period ~~ending on July 31 and December 31 of each year,~~

on or before ~~August 5 and January 5 of each year~~ the fifth day of each month; provided,
however, that such monthly reports shall not be filed during any period that the lobbyist
files a bimonthly report pursuant to subsection (b) of this Code section.

(e) Reports filed by lobbyists shall be verified and shall include:

(1) A description of all expenditures, as defined in Code Section 21-5-70, or the value thereof made by the lobbyist or employees of the lobbyist on behalf or for the benefit of a public officer. The description of each reported expenditure shall include:

(A) The name and title of the public officer or, if the expenditure is simultaneously incurred for an identifiable group of public officers the individual identification of whom would be impractical, a general description of that identifiable group;

(B) The amount, date, and description of the expenditure and a summary of all spending classified by category. Such categories shall include gifts, meals, entertainment, lodging, equipment, advertising, travel, and postage;

(C) The provisions of Code Section 21-5-70 notwithstanding, aggregate expenditures described in divisions (1)(E)(vii) and (1)(E)(x) of Code Section 21-5-70 incurred during the reporting period; provided, however, expenses for travel and for food, beverage, and lodging in connection therewith afforded a public officer shall be reported in the same manner as under subparagraphs (A), (B), and (D) of this paragraph;

(D) If applicable, the number of the bill, resolution, ordinance, or regulation pending before the governmental entity in support of or opposition to which the expenditure was made; and

(E) If applicable, the rule or regulation number or description of the rule or regulation pending before the state agency in support of or opposition to which the expenditure was made;

(2) For those who are lobbyists within the meaning of subparagraph (G) of paragraph (5) of Code Section 21-5-70, the name of any vendor or vendors for which the lobbyist undertook to influence the awarding of a contract or contracts by any state agency together with a description of the contract or contracts and the monetary amount of the contract or contracts; and

(3) For those who are lobbyists within the meaning of subparagraph (H) of paragraph (5) of Code Section 21-5-70, the name of the individual or entity for which the lobbyist undertook to influence the rule or regulation of a state agency.

(f) The reports required by this article shall be in addition to any reports required under Code Section 45-1-6, relating to required reports by state vendors of gifts to public employees. Compliance with this Code section shall not excuse noncompliance with that Code section, and compliance with that Code section shall not excuse noncompliance with

this Code section, notwithstanding the fact that in some cases the same information may be required to be disclosed under both Code sections.

(g) The electronic filing of any disclosure report required by this article shall constitute an affirmation that such report is true, complete, and correct."

SECTION 21.

Said chapter is further amended by revising subsection (a) of Code Section 21-5-76, relating to the prohibition of contingent fees for lobbying, as follows:

"(a) No person, firm, corporation, or association shall retain or employ an attorney at law or an agent to aid or oppose legislation a lobbyist for compensation contingent, in whole or in part, upon the passage or defeat of any legislative measure, upon the adoption or decision not to adopt any state agency rule or regulation, or upon the receipt or award granting or awarding of any state contract. No attorney at law or agent lobbyist shall be employed to aid or oppose legislation for compensation contingent, in whole or in part, upon the passage or defeat of any legislation, upon the adoption or decision not to adopt any state agency rule or regulation, or upon the receipt or award granting or awarding of any state contract."

SECTION 22.

Said chapter is further amended by adding a new Code section to read as follows:

"21-5-77.

(a) A lobbyist shall not initiate contact with a Senator using an electronic or wireless communication device while the Senate is meeting for a legislative day unless the Senate is in recess or has adjourned for the day, nor initiate such contact with a Senator while such Senator is attending a committee or subcommittee meeting until the committee or subcommittee adjourns.

(b) A lobbyist shall not initiate contact with a Representative using an electronic or wireless communication device while the House of Representatives is meeting for a legislative day unless the House of Representatives is in recess or has adjourned for the day, nor initiate such contact with a Representative while such Representative is attending a committee or subcommittee meeting until the committee or subcommittee adjourns."

SECTION 23.

Article 1 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to abuse of governmental office, is amended by revising Code Section 16-10-4, relating to influencing of legislative action by state and local governmental officers and employees, as follows:

"16-10-4.

(a) Any officer or employee of the state or any agency thereof who asks for or receives anything of value to which he or she is not entitled in return for an agreement to procure or attempt to procure the passage or defeat the passage of any legislation by the General Assembly, or procure or attempt to procure the approval or disapproval of the same by the Governor, shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$100,000.00 or by imprisonment for not less than one nor more than five years, or both.

(b) Any officer or employee of a political subdivision who asks for or receives anything of value to which he or she is not entitled in return for an agreement to procure or attempt to procure the passage or defeat the passage of any legislation by the legislative body of the political subdivision of which he or she is an officer or employee shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$100,000.00 or by imprisonment for not less than one nor more than five years, or both."

SECTION 24.

Said article is further amended by revising Code Section 16-10-5, relating to influencing of officer or employee of state or political subdivision by local officer or employee, as follows:

"16-10-5.

(a) Any officer or employee of the state or any agency thereof who asks for or receives anything of value to which he or she is not entitled in return for an agreement to influence or attempt to influence official action by any other officer or employee of the state or any agency thereof shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$100,000.00 or by imprisonment for not less than one nor more than five years, or both.

(b) Any officer or employee of a political subdivision who asks for or receives anything of value to which he or she is not entitled in return for an agreement to influence or attempt to influence official action by any other officer or employee of that political subdivision shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$100,000.00 or by imprisonment for not less than one nor more than five years, or both."

SECTION 25.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by revising paragraph (1) of subsection (a) of Code Section 45-1-6, relating to gifts to employees by vendors, as follows:

"Part 645-10-90.As used in this part, the term:

(1) 'Abuse of official power' means threatening to use the powers or personnel of a state entity for personal purposes of coercion, retaliation, or punishment.

(2) 'Clerical officer' means the Clerk of the House of Representatives or the Secretary of the Senate.

(3) 'Committee' means the House Committee on Ethics or the Senate Ethics Committee.

(4) 'Conflict of interest' means an individual has multiple interests and uses his or her official position to exploit, in some way, his or her position for his or her own personal or professional benefit.

(5) 'Improper conduct' means a member of the General Assembly:

(A) Engages in conduct that is a conflict of interest;

(B) Engages in conduct that is an abuse of power; or

(C) Uses a state employee in a political campaign.

(6) 'Member of the General Assembly' means any person elected and certified as a member of the General Assembly.

45-10-91.

(a) Any person may file a complaint with the clerical officer of the appropriate chamber alleging improper conduct involving a member of the General Assembly. The clerical officer shall designate the place where such complaints may be filed, provide instruction necessary to properly submit a complaint, and prescribe forms for such complainants. Complaints shall be submitted in writing and verified under oath to the best information, knowledge, and belief of such person. Any person who knowingly provides false information in executing a complaint under this Code section commits the offense of false swearing within the meaning of Code Section 16-10-71.

(b) The clerical officer shall forward, within one business day of receipt, the original complaint and all materials appended to such complaint in a confidential report to the presiding officer of the appropriate chamber and to the chairperson of the House Committee on Ethics or the chairperson of the Senate Ethics Committee, as appropriate.

45-10-92.

(a) The committee shall serve the person against whom any complaint is made a copy of the complaint by hand delivery or statutory overnight delivery or mailed by certified mail,

1311 return receipt requested, within five business days of the committee's receipt of such
1312 complaint.

1313 (b) The committee shall conduct a preliminary investigation of the merits of such
1314 complaint. If a complaint alleges a violation by one of the members of the committee, such
1315 member shall recuse himself or herself. If there are found no reasonable grounds to believe
1316 that improper conduct has occurred, the complaint shall be dismissed, subject to being
1317 reopened upon discovery of additional evidence or relevant material. The committee shall
1318 not be required to conduct a hearing if there are no reasonable grounds to believe that
1319 improper conduct has occurred. If the committee determines that there are such reasonable
1320 grounds to believe that improper conduct has occurred, it shall give notice by summoning
1321 the persons believed to have committed the violation to a hearing. The rules of the
1322 committee shall be invoked if a hearing occurs. The committee may report suspected
1323 violations of law to the appropriate law enforcement authority.

1324 (c) Nothing in this Code section shall be construed to limit or encumber the right of the
1325 committee to initiate on probable cause an investigation on its own cognizance as it deems
1326 necessary to fulfill its obligations to investigate improper conduct.

1327 (d) The committee shall adopt a retention standard for complaints and documents attached
1328 thereto."

1329 **SECTION 29.**

1330 This Act shall become effective on January 10, 2011, and shall apply to all reports filed on
1331 and after such date.

1332 **SECTION 30.**

1333 All laws and parts of laws in conflict with this Act are repealed.